

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

Plaintiff(s),

v.

LIBERTY INDUSTRIES, INC.

UNIFIRST CORPORATION, A/D/B/A  
UNICLEAN CLEANROOM  
SERVICES, [INSERT HEALTHCARE  
PROVIDER DEFENDANTS IF YOU  
SEEK TO BRING CLAIMS AGAINST  
THEM]

Defendants.

MDL No. 2419

Master Docket No. 1:13-md-2419-FDS

Honorable F. Dennis Saylor

DEMAND FOR JURY TRIAL

CORRECTED SHORT FORM COMPLAINT  
AGAINST UNAFFILIATED DEFENDANTS

Plaintiff(s), \_\_\_\_\_, complaining against the Defendants,  
allege(s) as follows:

FIRST COUNT

1. Pursuant to MDL Order No. \_\_, entered in In Re: New England Compounding Pharmacy, Inc. Products liability Litigation, Master Docket No. 1:13-md-2419-FDS, the undersigned counsel hereby submit this Short Form Complaint and Jury Demand against the Defendants, and adopt and incorporate by reference the allegations in the Plaintiffs' Master Complaint, with attachments, and any and all amendments thereto.

2. Plaintiff is a resident of the State of \_\_\_\_\_.

3. Plaintiff brings this action [Check the applicable designation]:

☐ On behalf of herself/himself.

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☐ As the representative of \_\_\_\_\_, who is a living person.

☐ As the Administrator, Administrator ad Prosequendum, or other representative of the Estate of \_\_\_\_\_ (hereinafter "Decedent"), who died on \_\_\_\_\_.

4. Additionally, \_\_\_\_\_, is/are the [Check the applicable designation or delete paragraph if there is no additional claim]:

☐ Spouse

☐ Child/Children

☐ Other (Set forth) \_\_\_\_\_

of \_\_\_\_\_, is/are a resident(s) of the State of \_\_\_\_\_, and is/are hereby named as an additional plaintiff(s), and claims damages.

5. Plaintiff asserts that the Plaintiff was administered New England Compounding Pharmacy, Inc. ("NECC") drug \_\_\_\_\_ (hereinafter referred to as "NECC drug"), causing injuries and damages.

6. The aforesaid administration of the NECC drug occurred on: \_\_\_\_\_ [List all dates of administration specific for each NECC drug], at \_\_\_\_\_, by \_\_\_\_\_ [List all physicians/healthcare professionals who administered each NECC drug], at \_\_\_\_\_ [List each healthcare facility where each NECC drug was administered], located in \_\_\_\_\_ [City], \_\_\_\_\_ [State].

7. Dr. \_\_\_\_\_ [List all physicians/healthcare professionals who administered each NECC drug] and healthcare facility \_\_\_\_\_ [List each

healthcare facility where each NECC drug was administered] are hereinafter collectively referred to as "Clinic Related Defendants."

8. Plaintiff(s) adopt(s) and incorporate(s) by reference the following Causes of Action asserted against the Defendants in the Master Complaint:

☐ ~~COUNT I: NEGLIGENCE AND GROSS NEGLIGENCE (Against Liberty)~~

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☐ COUNT II: NEGLIGENCE AND GROSS NEGLIGENCE (Against UniFirst)

☐ COUNT III: NEGLIGENCE AND GROSS NEGLIGENCE (Against Clinic Related Defendants)

☐ COUNT IV: VIOLATION OF CONSUMER PROTECTION STATUTES (Against Clinic Related Defendants)

Plaintiff(s) allege violation of the following consumer protection statute(s): [List statutes. Note that N.J.S.A. 56:8-1 et seq. was inadvertently omitted from the Master Complaint]

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☐ ~~COUNT V: VIOLATION OF M.G.L. C. 93A (Against Liberty)~~

☐ COUNT VI: VIOLATION OF M.G.L. C. 93A (Against UniFirst)

☐ COUNT VII: BATTERY (Against Clinic Related Defendants)

☐ COUNT VIII: FAILURE TO WARN (Against Clinic Related Defendants)

☐ COUNT IX: TENNESSEE PRODUCT LIABILITY CLAIMS (Against Tennessee Clinic Related Defendants)

☐ COUNT X: AGENCY (Against Clinic Related Defendants)

☐ COUNT XI: CIVIL CONSPIRACY (Against Clinic Related Defendants)

☐ COUNT XII: WRONGFUL DEATH PUNITIVE DAMAGES (Against ~~Each UniFirst and Clinic Related Defendants~~ Defendant)

☐ COUNT XIII: LOSS OF CONSORTIUM (Against UniFirst and Clinic Related Defendants All Defendants)

☐ COUNT XIV: PUNITIVE DAMAGES (Against UniFirst and Clinic  
Related Defendants~~All Defendants~~)

9. [Include either paragraph 9 or paragraph 10] Plaintiff(s) complied with the applicable state law pre-suit requirements for filing this Short Form Complaint required under \_\_\_\_\_ [insert state specific statute/rule]. See attached \_\_\_\_\_ [such as demand letter, letter of intent or certificate of merit, notice to the attorney general, etc. or delete this paragraph if there are no pre-suit requirement for filing plaintiff's complaint.]

10. Plaintiff(s) have sent or served the pre-suit notice or demand requirements necessary to bring the claims set forth below, as required under \_\_\_\_\_ [insert state specific statute/rule]. See attached \_\_\_\_\_ [attach state specific requirement, such as demand letter, letter of intent or certificate of merit, notice to the attorney general, etc.] Plaintiff(s) do not now assert but will seek leave to amend to assert the following claims promptly after the time period for giving notice has expired:

[List counts with check boxes from paragraph 8]

11. Plaintiff \_\_\_\_\_ [name] claims to have suffered the following injuries as a result of the administration of NECC's drug: \_\_\_\_\_ [describe injuries].

12. Plaintiff \_\_\_\_\_ [name] claims to have suffered the following damages as a result of the ~~implantation of the prior designated pelvic mesh product(s):~~ administration of NECC's drug \_\_\_\_\_ [describe damages].

13. The additional designated plaintiff(s) has suffered/have suffered/will continue to suffer the following: \_\_\_\_\_ [describe damages].

WHEREFORE, Plaintiff(s) demand(s) Judgment against the Defendants awarding compensatory damages, punitive damages, attorneys' fees, interest, costs of suit, and such further relief as the Court deems equitable and just.

Plaintiff(s) reserve the right to amend this Complaint to add allegations and claims against individuals or entities currently omitted (in light of the Court's order permitting a Master Complaint naming defendants affiliated with NECC and currently participating in mediation by December 20) and to add or amend allegations against Defendants named herein based, in part, on further discovery.

[The following to be used only if Count VIII is adopted above or in states requiring an Ad Damnum Clause]:

WHEREFORE, Plaintiff(s) demand(s) Judgment against the Defendants awarding compensatory damages, punitive damages, attorneys' fees, interest, cost of suit, and such further relief as the Court deems equitable and just, and further, pursuant to \_\_\_\_\_ [insert statute], Plaintiff(s) pray(s) for damages in an amount not to exceed \$\_\_\_\_\_ [Enter Amount].

[If applicable additional allegations and/or counts are necessary, set them forth here. If not, delete]

## **SECOND COUNT**

14. Plaintiff(s) re-allege(s) and incorporate(s) by reference each of the foregoing paragraphs as if set forth at length herein.

15. Plaintiff(s) assert(s) the following additional Causes of Action against Defendant(s) [set forth the applicable Defendant(s), cause(s) of action and, where required, supply the supporting facts and allegations with specificity]:

16. \_\_\_\_\_ claims to have suffered the following injuries as a result of the administration of the NECC drug: \_\_\_\_\_.

17. \_\_\_\_\_ claims to have suffered the following damages as a result of the administration of the NECC drug: \_\_\_\_\_.

18. The additional designated plaintiff(s) has suffered/have suffered/will continue to suffer the following: \_\_\_\_\_.

WHEREFORE, Plaintiff(s) demand(s) Judgment against the Defendants awarding compensatory damages, punitive damages, attorneys' fees, interest, costs of suit, and such further relief as the Court deems equitable and just.

**JURY DEMAND**

Plaintiff(s) hereby demand(s) a trial by jury.

**Respectfully Submitted,**

**PLAINTIFF(S),**

**By (Their) Attorneys,**

**[insert signature block]**

Date: